



To: **Members of the Planning & Regulation Committee**

***Notice of a Meeting of the Planning & Regulation  
Committee***

**Monday, 4 September 2017 at 2.00 pm**

**Committee Rooms 1&2 - County Hall, New Road, Oxford OX1 1ND**

A handwritten signature in black ink that reads "PG Clark".

Peter G. Clark  
Chief Executive

August 2017

*Committee Officer:* **Graham Warrington**  
Tel: 07393 001211; E-Mail:  
graham.warrington@oxfordshire.gov.uk

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*Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.*

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**Membership**

Chairman – Councillor Les Sibley  
Deputy Chairman - Councillor Jeannette Matelot

*Councillors*

Mrs Anda Fitzgerald-  
O'Connor  
Mike Fox-Davies  
Stefan Gawrysiak  
Dr Kirsten Johnson

Bob Johnston  
Mark Lygo  
Glynis Phillips  
G.A. Reynolds

Judy Roberts  
Dan Sames  
Alan Thompson

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**Notes:**

- **Date of next meeting: 16 October 2017**

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

### Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, or

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

### What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

### List of Disclosable Pecuniary Interests:

**Employment** (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes (Pages 1 - 6)**

To approve the minutes of the meeting held on 17 July 2017 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Development of an Aggregate Bagging Operation, including a 450m<sup>2</sup> bagging station, loading hoppers, administration and welfare facilities at Appleford Depot, Oxfordshire - Application MW.0054/17 (Pages 7 - 22)**

Report by the Director for Planning & Place (PN6).

This is an application for an aggregate bagging plant adjacent to the rail sidings at Appleford. The site lies within the Sutton Courtenay minerals and waste complex and sand and gravel would be imported by internal haul road from the applicant's processing plant. Material would also be imported by rail through the sidings and, in smaller quantities, by road. The application site previously contained a pulverised fuel ash classification building, which has recently been removed leaving a vacant site with an area of hard standing.

The site is located some distance from residential properties and it is not considered that there would be any significant amenity impacts. It would replace a higher building and is not considered to have a significant landscape impact. Traffic would be subject to a routeing agreement to ensure that the A4130 was used rather than roads through local villages. The development is in accordance with policies encouraging sustainability.

The application is being reported to committee following an objection by Sutton Courtenay Parish Council. There have been no other objections.

***It is RECOMMENDED that subject to a routeing agreement to ensure that all HGVs associated with the development use the access onto the A4130 planning permission that application MW.0054/17 be approved subject to conditions as set out in Annex 1 to the report PN6.***

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**Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday** at **12.00 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

# Agenda Item 3

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 17 July 2017 commencing at 2.00 pm and finishing at 3.25 pm

**Present:**

**Voting Members:** Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Mike Fox-Davies  
Councillor Stefan Gawrysiak  
Councillor Dr Kirsten Johnson  
Councillor Bob Johnston  
Councillor Mark Lygo  
Councillor Glynis Phillips  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor Dan Sames  
Councillor Lawrie Stratford (In place of Councillor Alan Thompson)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); C. Kenneford & D. Periam (Planning & Place)

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6	E. Catcheside, C. Kelham and G. Arnold (Planning & Place)
7	K. Broughton (Planning & Place)
8	C. Hodgkinson (Planning & Place)

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

**27/17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Alan Thompson	Councillor Lawrie Stratford

**28/17 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

Construction of a 76 space car park for a period of four years. The car park to be surrounded by weld mesh fence with control gates, and to include surface water drainage into a new petrol interceptor, and lighting. Also the construction of permanent lighting along the school roadway - The Warriner School, Banbury Road, Bloxham - Application R3.0033/17

Councillor George Reynolds expressed a personal interest insofar as 2 of his grandchildren attended the school. He intended to take part in the discussion and voting on the application.

**29/17 MINUTES**

(Agenda No. 3)

The minutes of the meeting held on 5 June 2017 were approved and signed subject to amending "Councillor Fox-Davis" to read "Councillor Fox-Davies" in paragraph 5 of Minute 27/17.

**30/17 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Dee Willow and Jeremy Hurlstone (Agents for the Applicant)	6. Moorend Lane Farm, Moorend Lane, Thame - Application MW.0032/17

**31/17 SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 11 ATTACHED TO PLANNING CONSENT P15/S3167/CM (MW.0124/15) TO ALLOW UP TO FOUR HEAVY GOODS VEHICLES (HGVs) TO LEAVE THE SITE IN BOTH MORNING AND EVENING RUSH HOUR - MOOREND LANE FARM, MOOREND LANE, THAME - APPLICATION MW.0032/17**

(Agenda No. 6)

The Committee considered (PN6) an application to vary a condition attached to an existing permission for the mineral extraction and waste management facility at Moorend Lane farm, Thame which restricted HGVs from leaving the site during peak hours and to allow up to 4 movements during those periods.

The Committee also noted comments submitted by Councillor Nick Carter who had been unable to attend. He had asked the Committee to note his objection as set out in paragraph 12 of the report along with that of the Thame Town Council. In his view any increase in traffic to and from the site would inevitably add to existing congestion with safety, therefore, becoming more of an issue, presumably why a restriction had been imposed in the first place. As local member he questioned what had now changed and felt the County Council needed to safeguard road users against any level of impact on highway safety and not just where it was judged as having a severe or significant impact.

Having presented the report Catherine Kelham and other officers responded to questions from:

Councillor Sames – there was no restriction on vehicles entering the site at peak times.

Councillor Gawrysiak - vehicles could enter with landfill during operational hours but not leave at peak times.

Councillor Phillips – Mr Periam explained that the original permission had been a delegated decision by officers and he had been unable to find specific reasons why a restriction had been felt necessary at that time.

Councillor Fox-Davies – there was no limit on vehicle movements during normal hours but a limit was being sought to 4 at peak hours.

Councillor Fitzgerald O'Connor – there were no lorry movement warning signs.

Councillor Stratford – Mr Periam explained that it had not been felt necessary to seek to enforce the voluntary restriction for no right turning traffic. Also the site had good wheel and vehicle wash facilities.

Dee Willow and Jeremy Hurlstone then addressed the Committee pointing out that under the current restriction it was possible for some vehicles to enter the site but not be allowed to leave until the following morning. That was an unnecessary delay and detrimental to efficiency. The site was served by a good road network with a good safety record. They asked the Committee to support the application.

They then responded to questions from:

Councillor Phillips – they accepted the application had been made in the company's own commercial interests but they also felt it would benefit local residents by avoiding a concentration of vehicle movements at other times of the day.

Councillor Stratford – In highway terms the application would not have a significant impact on the road network and the applicant would prefer to keep the no right turn as a voluntary restriction

Councillor Lygo – there would be no impact on air quality.

**RESOLVED:** (on a motion by Councillor Stratford, seconded by Councillor Lygo and carried unanimously) that application MW.0032/17 be approved subject to conditions to be determined by the Director of Planning and Place including those set out at Annex 2 to the report PN6.

**32/17 CONSTRUCTION OF A 76 SPACE CAR PARK FOR A PERIOD OF FOUR YEARS. THE CAR PARK TO BE SURROUNDED BY WELD MESH FENCE WITH CONTROL GATES, AND TO INCLUDE SURFACE WATER DRAINAGE INTO A NEW PETROL INTERCEPTOR, AND LIGHTING. ALSO THE CONSTRUCTION OF PERMANENT LIGHTING ALONG THE SCHOOL ROADWAY - THE WARRINER SCHOOL, BANBURY ROAD, BLOXHAM - APPLICATION R3.0033/17**

(Agenda No. 7)

The Committee considered (PN7) a planning application to provide additional car parking spaces and lighting at Warriner School while the school underwent infrastructure improvements and future expansion. The car park would be removed and restored after four years. Lighting would be provided for the car park and the access road with the latter permanent. However, lighting for the car park would be removed along with the car park after 4 years.

Mr Broughton presented the report and asked the Committee to note corrections to:

Paragraph 12 – to delete “and would replace the existing sodium lighting that is attached to the school buildings”

Paragraph 37 – to delete “and would replace higher energy lighting which is poorly located on the existing school buildings.”

Those corrections did not materially affect the recommendation. However, he was recommending two additional conditions as follows:

- “v. After four years from the date of this permission the car park and its ancillary works shall be removed and the land reinstated to its current condition.
- vi. The lighting to the car park and access road shall only be used between the hours:



9.00 am – 9.00 pm Monday to Friday; and  
9.00 am – 4.00 pm Saturday and Sunday.”

He then responded to questions from:

Councillor Reynolds – the 9 pm lighting had been suggested in order to tie in with the hours of operation for the MUGA.

Councillor Phillips – it would not be possible to condition flexibility for the school to keep the tarmacked area after 4 years but an informative could be attached stating that the school could, if it wished, make a separate application for its retention.

Councillor Matelot – the MUGA would be available for community use.

Councillor Fitzgerald-O’Connor – a condition was being proposed requiring the access road to be 4.8 m wide and tarmacked.

Councillor Gawrysiak – the need for permanent lighting was not a strong one but not weak enough to override the MPPF guidance. It was not expected that spillage from the 5m low energy LED light columns would significantly impact surrounding buildings.

Councillor Fox-Davies – the Committee could if it wished amend the proposed condition for lighting to be switched on earlier than 9 am.

Councillor Kirsten Johnson suggested a cross or white side lines be considered as part of the approved details for the access road.

**RESOLVED:** (on a motion by Councillor Reynolds, seconded by Councillor Johnston and carried unanimously) that planning permission for application R3.0033/17 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:

- I. Detailed compliance.
- II. Permission to be implemented within 3 years.
- III. Prior to commencement of the development, details of improvements to the access road to be submitted and approved. Approved details to be implemented.
- IV. Prior to commencement of the development, drainage details to be submitted and approved. Approved details to be implemented.
- V. After four years from the date of this permission the car park and its ancillary works should be removed and the land reinstated to its current condition.
- VI. The lighting to the car park and access road should only be used between the hours:  
7.00 am – 9.00pm Monday to Friday; and  
9.00am – 4.00pm Saturday and Sunday.

Informative:

The planning permission enures only for the County Council. If at any time during the life of the car park, the Warriner School Academy wished to retain the car park for the same use, or for a different use, they would be free to apply to Cherwell District Council.

**33/17 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT**

(Agenda No. 8)

The Committee considered (PN8) a report updating members on the regular monitoring of minerals and waste planning permissions for the financial year 1 April 2016 to 31 March 2017 and progress on enforcement cases for the period 1 November 2016 to 30 June 2017.

Having presented the report Mr Hodgkinson responded to questions from:

Councillor Phillips – At the start of the financial year the team had been 2 fte down but had since made one appointment. The remaining post was currently frozen. Mr Periam added that it was intended to resubmit a request to use income gained from planning fees to increase staffing resources.

The Committee expressed unanimous support that representations be made via the Service & Resource process for the vacant Planning Officer (Monitoring, Compliance and Enforcement) post in the Development Management team to be filled as a matter of priority.

Councillor Matelot – some sites had been restored and could be monitored after restoration had been completed for 5 years in accordance with aftercare management plans.

Councillor Anda Fitzgerald-O'Connor – Hatford Quarry did not include the Shellingford site on the other side of the A417.

Councillor Reynolds drew attention to the inordinate delays in securing compliance with the S278 agreement for the Barford Road site. He continued to receive constant representations from residents and the parish council for these matters to be resolved.

With regard to the restoration of Stratton Audley quarry Councillor Stratford asked what the position would be with regard to responsibility and accountability if no progress had been made within the 10 years from 31 December 2008. Officers undertook to speak with Councillor Stratford outside the meeting.

**RESOLVED:** (unanimously):

- (a) to note the Schedule of Compliance Monitoring Visits in Annex 1 to the report PN8 and the Schedule of Enforcement Cases in Annex 2 to the same report;
- (b) that representations be made via the Service & Resource process for the vacant Planning Officer (Monitoring, Compliance and Enforcement) post in the Development Management team to be filled as a matter of priority.

..... in the Chair

Date of signing .....

**For: PLANNING AND REGULATION COMMITTEE - 4 SEPTEMBER 2017**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

Development of an Aggregate Bagging Operation, including a 450m<sup>2</sup> bagging station, loading hoppers, administration and welfare facilities at Appleford Depot, Oxfordshire.

**Division Affected:** Sutton Courtenay and Marcham

**Contact Officer:** Mary Thompson **Tel:** 07393 001 257

**Location:** Appleford Depot

**Application No:** MW.0054/17 P17/V1899/CM

**Applicant:** Hanson Quarry Products Europe Limited

**District Council Area:** Vale of White Horse

**Date Received:** 28 June 2017

**Consultation Period:** 6 - 27 July 2017

**Contents:**

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

**Recommendation**

The report recommends that the application (MW.0054/17) be approved.

• Part 1 – Facts and Background

**Location (see plan 1)**

1. The site lies within the Sutton Courtenay minerals and waste complex, to the west of Appleford and east of Sutton Courtenay. Didcot lies 1.6 kilometres (1 mile) to the south. The site area for the proposed bagging plant lies immediately north of the rail sidings in the central part of the wider site.

**Site and Setting**

2. The site lies within an area of industrial development immediately north of the western end of the rail sidings. It is surrounded by restored landfill.
3. The wider Sutton Courtenay site includes active waste management uses undertaken by FCC, including active landfilling, composting, waste transfer and a materials recovery facility (MRF.) These all lie within 500 metres of the application site.
4. To the west of the site lies a disused water tank, a carpark for Hanson's vehicles and beyond that overhead electricity lines and the Corridor road. On the other side of the road lies FCC's MRF.
5. To the north lies a temporary asphalt plant and associated stockpiles.
6. The railway sidings lie directly to the south of the application site and an associated storage area lies to the east.
7. The closest properties lie to the east on Main Road and Chambrai Close in Appleford. These are approximately 800 metres from the application site.
8. Bridge Farm Quarry lies approximately 900 metres to the north. Material is transported by conveyor to the processing plant site, which lies approximately 400 metres north west of this application site.
9. The application site area is 0.46 hectares.
10. The site does not contain any trees or vegetation. It previously contained a building for the classification of pulverised fuel ash (PFA), a welfare facility, stocking areas and a fuel tank. PFA processing had not taken place for a number of years and the disused buildings and structures were removed from the site in summer 2017. Therefore, the site is currently vacant containing only an area of hard standing.
11. The site is accessed from the internal roads Portway which is a Public Byway Open to All Traffic (10/Sutton Courtenay) and Corridor Road, from a roundabout on the A4130 Didcot Perimeter Road.

### **Details of the Development**

12. It is proposed to develop an aggregate bagging operation including a bagging building.
13. Sand and gravel worked from Bridge Farm Quarry would be bagged at the new plant, along with crushed limestone imported by rail to the adjacent rail sidings and soft sand imported by road.
14. After the completion of extraction at Bridge Farm Quarry in 2020 all aggregate to be bagged at the plant would be imported. All sharp sand and gravel would then be imported by rail and crushed limestone would continue to be brought in by rail, whilst soft sand would continue to be imported by road.
15. It is proposed to import 30 000tpa of soft sand to the site by road and export 135 000 tpa of bagged aggregate by road. Bridge Farm Quarry would provide 80 000 tpa of aggregate for bagging until it is worked out. 25 000 tpa of crushed limestone would be imported by rail. It is anticipated that the development would result in up to 54 vehicle movements (27 in, 27 out) per day.
16. The building would cover an area of 450m<sup>2</sup> with a height of 7.5m to the ridge line. It is proposed that it would be a neutral grey colour. Inside the building, there would be a conveyor and bag-filling machine. Heavy duty plastic bags would be filled, loaded onto pallets and removed by fork-lift truck. There would be loading hoppers on the outside of the building.
17. Other associated development within the application site would include a toilet block and an office/canteen. These would be in shipping container style buildings. The existing concrete hardstanding would be extended across the entire application site.
18. The applicant has proposed a routeing agreement which would take vehicles out of the southern site access onto the A4130, in line with routeing agreements for other developments in the area. Therefore, HGVs associated with the development would not travel through local villages.
19. It is anticipated that construction would take 4 weeks. Once operational the plant would employ 6 staff at the site and as drivers. Operating hours would be 7am – 6pm Monday to Friday and 7am - 3pm on Saturdays with no working on Sundays or bank holidays.

### **• Part 2 – Other Viewpoints**

#### **Representations**

20. No third party representations have been received.

## **Consultation Responses**

21. Sutton Courtenay Parish Council – Final Response – There remain concerns about traffic and congestion on the A4130. These concerns relate to the cumulative effect of traffic from each development proposal in the area, including new housing and the warehouse to the west in Sutton Courtenay. Wish to see the development removed in 2030 when the rest of the site has to be cleared. The landscape in this area should be restored as soon as possible.
22. First Response - Holding objection. County Council should assess the impact on the A road network before the application is determined. Conditions should be imposed to ensure reasonable operating hours, including for train movements and also to limit noise and control light pollution. An end-date should be included to tie in with the end date of the site.
23. Appleford Parish Council – No response received.
24. Didcot Town Council – No objection, subject to the provision of a suitable routing agreement for lorries.
25. Vale of White Horse District Council Planning – Responded, no comments.
26. Vale of White Horse District Council Environment Health – No objection. Significant noise impacts are unlikely, however if a condition is desirable to reassure the local community I would suggest using the wording from condition 66 of P14/V0479/CM - Operations shall not cause a noise level of 54 dBLAeq1hr to be exceeded at Hartwright House, Hill Farm and Appleford Crossing, as measured 3.5 metres from the façade of these buildings.
27. Environment Agency – No objection.
28. Thames Water – No response received.
29. Natural England – No objection. Unlikely to affect any statutorily protected sites or landscapes. Standing advice should be applied on protected species.
30. Network Rail – No objection. In the interest of the long-term stability of the railway, it is recommended that soakaways/attenuation ponds should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining

land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail before works begin.

31. OCC Transport Development Control – No objection. Additional vehicle movements would need to adhere to the existing routing agreement and exit the site onto the A4130. The development would generate a maximum of 54 vehicle movements per day, which represents an increase on the site access road of 5.8% and an increase on the A4130 of 0.61%. The increase on the A4130 is not material and the haul road is operating safely with current volumes of traffic. According to the Transport Assessment, the busiest hour for HGV trips associated with this development would be 1400-1500, which does not coincide with peak times.
32. OCC Ecology Officer – No objections.
33. OCC – Environmental Strategy – No objection. The Didcot Garden Town Proposed Delivery Plan was published in June 2017. The attention given to green infrastructure is notable. The restored landfill at Sutton Courtenay is identified in this document as a potential nature park. The development of further industrial uses in this area has the potential for an adverse impact on such future uses. However, as the plans are only indicative and currently carry no formal status the significance of this cannot yet be assessed. Note the proposals for lighting and support measures including directional downward facing lights, shrouding, timers and shutters to reduce the unwanted spill of light into surrounding areas. Lighting outside of operational hours should be kept to a minimum.
34. OCC Street Lighting – Further information is needed with regards to external lighting, this can be provided by condition.
35. OCC Drainage – No response received.
36. OCC Countryside Access – No comments.

### **Part 3 – Relevant Planning Documents**

#### **Relevant Planning Policies – (see policy annex)**

37. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
38. The relevant development plan documents are:

- The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) saved policies

As the OMWLP pre-dates the NPPF, an assessment of the consistency of the saved policies with the NPPF and NPPW has been undertaken to ensure the continued validity of these policies to assist decision makers, developers and the local communities.

- The Vale of White Horse Local Plan 2011 (VLP 2011) saved policies
- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)

39. The draft Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in December 2015. Following an examination hearing held in September 2016, the Inspector issued his Report on 15th June 2017. He concludes that with his recommended main modifications the OMWCS satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the National Planning Policy Framework. At its meeting on 18th July 2017, the Council's Cabinet resolved to recommend to the County Council that the OMWCS be adopted with the Inspector's recommended main modifications and any required additional modifications that do not materially affect the policies, in accordance with Section 23(3) of the 2004 Act. The County Council is due to consider adoption of the OMWCS on 12th September 2017. Therefore, although the OMWCS is not yet adopted, it is at a very advanced stage and the draft policies with the Inspector's recommended main modifications and any additional modifications should accordingly be given considerable weight, alongside the saved policies of the Oxfordshire Minerals and Waste Local Plan (1996) (Local Plan).

40. The Vale of White Horse Local Plan 2031 Part 2 (VLP2) was out to consultation until May 2017. Responses are currently being reviewed. Therefore, this document is at an early stage but is a material consideration which can be given some weight. The weight that can be given is considered to be limited at this stage.

### **Relevant Policies**

41. The relevant development plan policies are:

- Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996
  - PE18 – Imposition of conditions to protect amenity
  - SD7 – Rail head development for aggregate import
  - SD9 – Safeguarding of railheads
  - SC3 – Routeing agreements in Sutton Courtenay area
- Vale of White Horse Local Plan (VLP 2011)
  - DC5 (Access)



NE9 – Landscape in the lowland vale  
NE11 – Landscape enhancements  
DC9 – Neighbouring amenity

- Vale of White Horse Local Plan 2031 Part 1 (VLP1)
  - Core Policy 1 – Presumption in favour of sustainable development
  - Core Policy 33 (Sustainable Transport)
  - Core Policy 40 (Sustainable Design and Construction)
  - Core Policy 43 (Natural Resources)
  - Core Policy 44 (Landscape)

42. The relevant emerging plan policies are:

- Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)
  - C1 – Sustainable development
  - C5 - Local environment, amenity and economy
  - C8 - Landscape
  - C10 – Transport
  - M9 – Safeguarding mineral infrastructure
- Draft Vale of White Horse Local Plan 2031 Part 2 (VLP2)
  - Core Policy 16b – Didcot Garden Town
  - Development Policy 15 (Access)
  - Development Policy 20 (Lighting)
  - Development Policy 22 (Amenity)
  - Development Policy 24 (Noise)

### **Comments of the Director for Planning and Place**

#### **Rail Sidings**

43. OMWCS policy M9 states that Appleford Sidings is a safeguarded rail depot site for the importation of aggregate into Oxfordshire. Existing and permitted infrastructure that supports the supply of minerals in Oxfordshire is safeguarded against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible land uses nearby. Policy M9 specifically reflects national policy set out in NPPF paragraph 143 to safeguard existing rail heads for the bulk transport by rail of minerals.
44. OMWLP policy SD7 states that rail head development for the import of aggregate will be encouraged in the Sutton Courtenay area (which includes Appleford sidings and depot). Policy SD9 states that development will not be permitted which would prejudice the full use of rail depots identified under policy SD7.
45. The southern part of the site is within the safeguarded rail depot area. The proposed operation would be compatible with the rail depot use. It would

utilise the existing rail siding because aggregate would be brought into the site by rail for bagging. Therefore, locating the plant in the proposed location is in accordance with policies safeguarding the rail depot.

### **Traffic**

46. OMWCS policy C10 states that, where practicable, minerals development should be located, designed and operated to enable the transport of minerals by rail. The proposed import of aggregate by rail would result in less HGV movements compared to if the site was situated in a location without access to a rail siding. Therefore, the proposal is in accordance with policies promoting sustainable transport, such as OMWCS policy C10.
47. OMWLP policy SC3 states that planning permission in this area will not be granted unless a routeing agreement has been secured to encourage HGVs to use the Didcot Perimeter Road and prevent HGVs from entering the villages of Sutton Courtenay, Appleford and Long Wittenham. This policy is assessed as being partially compliant with the NPPF.
48. The applicant has put forward routeing proposals that would ensure that HGV traffic used the A4130 Didcot Perimeter Road rather than roads through local villages. This is in line with other consents within the Sutton Courtenay minerals and waste complex and with OMPLP policy SC3. Therefore, any permission granted should be subject to a routeing agreement, as proposed by the applicant.
49. Saved VLP 2011 policy DC5 states that developments will only be permitted provided there is safe and convenient access to the highway network and it can accommodate the traffic arising from the development. Core Policy 33 of the VLP1 supports sustainable transport and the limitation of any adverse impacts from traffic. VLP2 Development Policy 15 makes similar provision. OMWCS policy C10 states that minerals development will be expected to make provision for safe and suitable access to advisory lorry routes. Where minerals will be transported by road, mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand.
50. It is proposed that once aggregate has been bagged it would be exported from the site by road. Therefore, the proposal would lead to an increase in traffic movements from the site. However, the site has direct access from the haul road onto the A4130, which is shown as a 'link to smaller towns' on the Oxfordshire Lorry Routes map. Therefore, the development is in accordance with OMWCS policy C10.
51. Sutton Courtenay Parish Council has expressed concern about the potential impact of additional HGV movements on the A4130 at the power station roundabouts and towards the A34 and has asked for this impact to be assessed.

52. Transport Development Control has not objected to this application. They have confirmed that the increase in HGVs on the A4130 would not be material. There would potentially be a material increase in HGVs on the internal haul road, however this road is considered adequate to cope with the traffic proposed.
53. Subject to the proposed routing agreement, the proposed development is considered to be acceptable in terms of impact on traffic. Although there would be an increase in HGV movements at this site, there would be fewer movements than if the same development was proposed in a location where it was not possible to import some of the aggregate by rail and the increase has been assessed as appropriate on the roads affected. The development is considered to be in accordance with the above policies.

### **Landscape**

54. Policy NE9 of the VLP 2011 states that development in the Lowland Vale will not be permitted if it would have an adverse effect on the landscape and policy NE11 seeks to see landscape enhancements made. Core Policy 44 of the VLP1 seeks to see landscape features and character protected.
55. OMWCS policy C8 states that proposals for minerals development shall demonstrate that they respect and where possible enhance local landscape character.
56. The proposed new building would be 7.5 metres high and therefore would be visible in the landscape. However, it replaces a recently demolished tall building and so the impact would not be new. The demolished PFA building was 18 metres high. The proposed bagging plant would be seen within the context of the other industrial, minerals and waste development within the landfill site area, which includes other tall buildings, such as the replacement asphalt plant which has been permitted but not yet constructed (MW.0005/17) and which has an elevator structure with a height of up to 30 metres. The electricity pylon adjacent to the site is 43 metres high and the FCC MRF building 80 metres to the west is 12 metres high. Didcot coal fired power station is in the process of being demolished but at the time of this application there are still three cooling towers standing, which are 115 metres high and a 200 metre high chimney tower.
57. Overall it is considered that in the context of other buildings and structures in the wider site, the proposed building would not have a significant adverse landscape impact.
58. The proposals are therefore considered to be in accordance with relevant policies on landscape, including VLP 2011 policies NE9 and NE11, VLP1 Core Policy 44 and OMWCS policy C8.

**Amenity**

59. OMWLP policy PE18 refers to the Code of Practice which sets out guidance on hours of working for which the standard hours are 7.00 am to 6.00 pm on weekdays and 7.00 am to 1.00 pm on Saturdays, noise, dust and transport. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity, including from noise, dust, traffic and air quality.
60. VLP 2011 policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of a number of factors including noise or vibration, dust, pollution or external lighting. Potential adverse amenity affects from external lighting are protected through saved policy DC20 of the VLP 2011. Draft Development Policies 20, 22 and 24 of the VLP2 are also relevant.
61. The plant itself would be located a considerable distance from the nearest sensitive receptors as the closest residential properties are over 800 metres away. It would be located within an industrial area set within the context of an active minerals and waste site. The bagging operations would take place within a building. Given the nature of the proposed operations and the location it is considered unlikely that the plant would have any significant adverse impacts on neighbouring amenity. There has been no objection from the Environmental Health Officer. However, it is recommended that a condition be added for the submission for approval and implementation of a dust suppression scheme as there is the potential for wind blow dust in a development involving stockpiles of aggregate.
62. Sutton Courtenay Parish Council has asked for conditions to control light pollution, noise and operating hours, including for night time trains.
63. Some details of proposed floodlighting have been submitted with the application, including details of the location of light poles and that they would be no higher than 7m and downcast to minimise spillage. The street lighting team have assessed the application and advised that a scheme containing further details including light fittings, light source, wattages, elevations angles should be required by condition, to ensure that there is no amenity impact from the proposed external lighting.
64. The application states that the bagging operation would be a low-noise industrial activity and the fact that it is contained within a building in a location 800 metres from the nearest property would further mitigate any noise impact. The Environmental Health Officer has not objected and has confirmed that there are unlikely to be significant noise impacts. However, a condition could be added to any permission granted to ensure that noise levels at nearby sensitive properties are not higher than permitted by other developments in the area.

65. This proposal is only for the bagging plant and the control of trains arriving at the rail depot, including times of unloading is controlled by a separate planning permission. Planning permission MW.0028/17 was permitted in June 2017 allowing trains to until 9pm Mondays to Fridays on up to 150 calendar days per year. The hours of operation and traffic movements associated with this development would be controlled by a standard operating hours condition.
66. The proposed Saturday hours are slightly longer than the standard hours set out in the OMWLP Code of Practice. However, given the distance between the site and residential properties, it is not considered that the additional hours would have an impact on amenity. A condition should be used to ensure that the proposed hours of operation are adhered to.
67. Therefore, subject to the conditions described, the proposal is considered to be in accordance with the relevant policies protecting amenity set out above, including OMWLP PE18, OMWCS policy C5 and VLP 2011 policy DC9.

### **Timescales**

68. Sutton Courtenay Parish Council has requested that permission should be granted for a temporary time period for the period of time to align with the period that the landfill and other temporary waste uses are permitted on the wider site. However, the applicant has not proposed a temporary development and the rail sidings benefit from permanent consent.
69. The application area is within an area of the wider landfill area which is not subject to restoration requirements and is shown on plans as subject to continued industrial use. There is other permanent development in this area, including the new asphalt plant (MW.0005/17) which Planning and Regulation committee resolved to permit in May 2017. As set out above, policy is supportive of the use of rail for aggregate import.
70. It is not considered that a temporary consent linked to the waste operations on the site is justified by policy as the development is not on land affected by landfill restoration conditions, nor operationally linked to the landfill. However, it is recommended that a condition be added to any permission granted requiring the aggregate bagging facility to be removed should the rail depot permanently cease to be used for the importation of minerals. This is justified because the impacts of the development, for example on the highway, without the import of aggregate by rail have not been assessed.
71. To this end, I would define “permanently” as there being no importation of mineral for a period of two years.

### **Sustainable Development**

72. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles and this is reflected in OMWCS policy C1 and Core Policy 1 of the VLP1. Core Policy 40 of the VLP1 requires new development to incorporate climate change adaptation and Core Policy 43 of the VLP1 seeks to minimise environmental impacts associated with development proposals.
73. This development would be sustainably located because it would make use of aggregate being processed within the Sutton Courtenay site, which had been worked from Bridge Farm. Vehicle movements associated with the bagging operation would also be reduced due to location adjacent to the rail siding and the proposal to import crushed limestone by rail. The development would re-use previously developed land in line with VLP1 Core Policy 43 and taking into account that the bagging plant would be an unheated industrial building, the design and construction is considered to be acceptable in relation to VLP1 Core Policy 40.

### **Didcot Garden Town**

74. VLP2 policy 16b states that proposals within the Didcot Garden Town Masterplan Area will be expected to demonstrate how they positively contribute to the achievement of the Didcot Garden Town Masterplan Principles. These principles include design, local character, density and tenure, transport and movement, landscape and green infrastructure and social and community benefits.
75. The application site is within the area identified for the Didcot Garden Town Masterplan. A Didcot Garden Town Proposed Delivery Document was produced in June 2017 and was out to consultation in July 2017. The masterplan document included within this shows the rail sidings area as green space adjacent to an area of restored landfill designated as Appleford Nature Park. The Delivery Document is at an early stage of development and does not contain details of the proposed green space affecting the application site or how this would be delivered. Therefore, at this point the document carries little weight.
76. The planning application acknowledges that Core Policy 16b applies to this site, but does not set out how it contributes to the relevant principles. VLP2 policy 16b is a draft policy and the detail of the Garden Town is still developing. Therefore, it is too early to assess how the proposal would contribute to the principles of the Garden Town, given that those principles are in draft and the relationship between the Garden Town and the ongoing industrial uses on the restored landfill site have yet to be worked out, as can be seen in the Proposed Delivery Document. Therefore, it is not considered that any further information is required in relation to VLP2 policy 16b.

## Conclusions

77. The proposed development is considered to be in accordance with relevant development plan and emerging plan policy related to traffic, sustainability, rail siding safeguarding, landscape and amenity.

## Recommendation

**78. It is RECOMMENDED that subject to a routeing agreement to ensure that all HGVs associated with the development use the access onto the A4130 that planning permission for application MW.0054/17 be approved subject to conditions as set out in Annex 1 to this report.**

SUSAN HALLIWELL  
Director for Planning and Place

August 2017

**Annex 1 – Heads of Conditions**

1. Complete accordance with plans
2. Commencement within three years
3. Standard operating hours
4. No reversing beepers other than white noise
5. No mud or dust on highway
6. No external lighting other than in accordance with a detailed scheme to be submitted and approved
7. Noise limits
8. Submission, approval and implementation of dust management scheme
9. Removal of plant and restoration of site, should the rail sidings cease to be used for the importation of mineral for a period of two years.
10. No material to be imported by road (other than internal haul road) other than soft sand, as proposed.



## **Annex 2 - European Protected Species**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and the habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### **The recommendation:**

European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

## **Compliance with National Planning Policy Framework**

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For example in this case, a condition requiring the development to be removed should the rail sidings permanently cease was suggested.

Aggregate  
Bagging  
Plant Plan 1

